

FILED
MISSOULA, MT
2007 MAY 17 AM 9 57
PATRICK E. GUFFY
BY _____
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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

| | | |
|---------------------------|---|----------------|
| UNITED STATES OF AMERICA, |) | CR 07-01-M-DWM |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | ORDER |
| |) | |
| DUSTIN AVERY SPANGLE, |) | |
| |) | |
| Defendant. |) | |
| _____ |) | |

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on May 2, 2007. Neither party objected and therefore they are not entitled to de novo review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

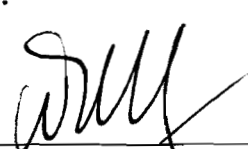
Judge Lynch recommended this Court accept Spangle's guilty

plea after Spangle appeared before him pursuant to Rule 11, Federal Rules of Criminal Procedure, and entered his plea of guilty to the charge of conspiracy in violation of 18 U.S.C. § 371.

I find no clear error in Judge Lynch's Findings and Recommendation (dkt #124) and I adopt them in full.

Accordingly, IT IS HEREBY ORDERED that Defendant's motion to change plea (dkt #96) is GRANTED.

DATED this 17th day of May, 2007.



Donald W. Molloy, Chief Judge
United States District Court

